

persist out of dedication to the cause that we must never permit anyone one who treats other human beings the way he has treated tens of thousands of human beings to escape justice, we will bring Saddam Hussein to justice. And in the meantime, his conviction on these charges may prove of benefit to our efforts to isolate him and his government, and to rally the support of other nations around the world to the effort to remove him from power.

I am pleased, Mr. President, that this resolution was agreed to unanimously, and hopeful that soon the machinery of international law will be applied as it was designed to label Saddam Hussein as the horrific murderer and torturer he is, recognition he richly deserves.

Mr. MCCAIN. Mr. President, I express my strong support of Senate Concurrent Resolution 78, which would call on the President of the United States to work toward the establishment of the legal mechanisms, under the aegis of the United Nations, necessary for the prosecution of Iraqi dictator Saddam Hussein for crimes against humanity, including the infliction upon the people of Kuwait and his own Kurdish population of genocidal policies. The resolution further encourages that the President seek the funding required to support this effort.

Senator SPECTER is to be commended for taking the lead in this morally and legally essential exercise in holding Saddam Hussein accountable for a long history of brutality that places him squarely among the worst human rights offenders of the post-World War II era. While none of us are under any illusions about the nature of this individual, I nevertheless urge my colleagues to read the text of this resolution carefully. It is a concise, comprehensive list of human rights abuses and war crimes committed by the Iraqi leader against the neighboring country of Kuwait, which he invaded and upon which imposed a brutal occupation, and against the Kurdish occupation of northern Iraq. It reiterates the degree to which Saddam Hussein has willfully and repeatedly failed to comply with United Nations and other legal mandates pertaining to his treatment of those who have suffered the misfortune of falling under his grip and to the international inspection regimes to which he is subject.

The text of the resolution is self-explanatory, but even that omits mention of the incalculable acts of wanton cruelty Saddam Hussein, and his sons, has committed against the Iraqi people, in addition to actions against the country's Kurdish population. Such a discussion is beyond the purview of a resolution oriented towards holding Saddam accountable for war crimes. I mention this only to ensure that the fate of the Iraqi people is not forgotten. The purpose of S. Con. Res. 78 is to establish the legal framework for further isolating Saddam Hussein diplomatically and for working toward his removal from power. This is a resolu-

tion that may seem obvious and elementary in some respects, yet which reflects my colleague from Pennsylvania's astute grasp of the legal imperatives involved in pursuing far-ranging policies designed to bring down a ruthless and belligerent dictator.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

Under the previous order, the Senator from Utah, Mr. BENNETT, is recognized to speak for up to 45 minutes.

ORDER OF PROCEDURE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senator from Montana, Mr. BURNS, the Senator from California, Mrs. BOXER, and the Senator from Pennsylvania, Mr. SPECTER, each be recognized for up to 3 minutes apiece, and that the time not count against my 45 minutes; that following the presentations of each of these three Senators, I be allowed to proceed with the 45 minutes as called for in the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I note the Senator from California is on the floor, and I suggest she be recognized first.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Senator from Utah for his kindness and ask unanimous consent that I have 4 minutes.

Mr. BENNETT. I have no objection.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mrs. BOXER. Thank you very much.

NOMINATION OF JAMES C. HORMEL

Mrs. BOXER. Mr. President, I rise today to urge the majority leader to schedule a vote on the nomination of James C. Hormel to be U.S. Ambassador to Luxembourg. He has my strong support as well as the strong support of Senator FEINSTEIN, who has made an eloquent statement on the Senate floor on his behalf.

James Hormel is a successful businessman, a loving father, and a loving grandfather.

On October 29, 1997 before the Foreign Relations Committee, I introduced James Hormel for the position of Ambassador to Luxembourg. At that hearing, I spoke of his sharp mind, distinguished career and extensive knowledge of diplomacy, international relations and the business world. Like many of my colleagues, I believe that James Hormel was, and still is, clearly qualified for this position.

Almost five months later, this nomination still has not come to the Senate

floor for a vote. The full Senate has not even had the opportunity to debate the merits of Mr. Hormel's nomination. This is because a hold has been placed on the nomination by certain Senators—apparently because of James Hormel's sexual orientation.

I say, "apparently" because the arguments some have used to oppose Mr. Hormel do not ring true.

The main argument is that Mr. Hormel, through his generous history of giving, has donated funds to certain projects—a library collection and an educational video—that contain controversial content. These are not valid arguments.

First, it is my understanding that many of the books in question, which are found in the San Francisco Public Library, are also in the Library of Congress. Neither Congress nor James Hormel should be responsible for screening the subjects of books found in their libraries.

And, second, James Hormel had absolutely no input into the content of the educational video. If the content of this video is a valid reason for the Senate to place a hold on this nominee, it sets a dangerous precedent.

For instance, what if the next nominee that comes before the Senate has given money to his or her child's high school newspaper. And, what if that newspaper ran a controversial article about a particular Senator. Would the Senate then place a hold on that nomination? I don't think so. The holds are in place because James Hormel is gay.

Mr. President, I believe that the Senate should consider nominees based on their qualifications. If the Senate agrees with me, there should be no controversy over James Hormel's nomination.

James Hormel, of San Francisco, California, graduated from Swarthmore College and shortly thereafter earned his Juris Doctorate at the University of Chicago Law School. Mr. Hormel served for several years as the Dean of Students and Assistant Dean at the University of Chicago Law School. Since 1984, he has presided as Chairman of EQUIDEX, Inc., an investment firm based in San Francisco.

For the past 30 years, Mr. Hormel has been a dedicated philanthropist, generously working to support a wide range of worthy causes. For his unselfish acts of giving, he has received several awards and honors. In 1996, he was named Philanthropist of the Year by the Golden Gate Chapter of the National Society of Fundraising Executives. Other honors include the Golden Gate Business Association's Outstanding Leadership Award, the Silver Spur Award from the San Francisco Planning and Urban Research Association, the Public Service Citation from the University of Chicago Alumni Association, and many, many others.

On the local level, Mr. Hormel is an active member of the San Francisco community working with several important civic organizations. His current projects include the San Francisco

Chamber of Commerce, the Human Rights Campaign Foundation, the San Francisco Symphony and the American Foundation for AIDS Research.

Because of this impressive record, the Senate Foreign Relations Committee approved the nomination of James Hormel by voice vote. And, as a matter of fact, just months before, the full Senate unanimously confirmed James Hormel to serve as a delegate to the U.N. Human Rights Commission.

Mr. President, James Hormel meets all requirements needed to be the ambassador to Luxembourg. If there is any doubt about Mr. Hormel's qualifications, we should have an open debate on the floor so these questions can be answered.

In the end, I believe both this country and Luxembourg will benefit greatly from James Hormel as U.S. Ambassador.

Thank you very much, Mr. President. I yield back the time to Senator BENNETT.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. The Senator from Montana has informed me he does not intend to use the time reserved for him. Not seeing the Senator from Pennsylvania on the floor, I now claim my 45 minutes and will proceed.

The PRESIDING OFFICER. The Senator from Utah.

THE WHITEWATER AND 1996 PRESIDENTIAL CAMPAIGN INVESTIGATIONS

Mr. BENNETT. Mr. President, I am here for two reasons today. First, the Governmental Affairs Committee filed its report last week. I have individual views in that report regarding the scandals surrounding the 1996 Presidential campaign. I said in my individual views that I would focus, in a major floor speech, on what I consider to be the principal issue of that investigation. I am here today to fulfill that responsibility.

Secondly, today I have sent a letter to the Attorney General focusing on what I consider to be the principal problem connected with our investigation. I owe it to her to make a full explanation of why I have sent her that letter.

Now, Mr. President, I am a Member of the Senate who served on the first committee investigating Whitewater activities, chaired by Don Riegle, the Senator from Michigan. I call that Whitewater I.

I served on the second committee investigating the matters relating to Whitewater, chaired by Senator D'AMATO, which I call Whitewater II.

I served on the Governmental Affairs Committee investigating the excesses of the 1996 campaign, which I shall call Thompson.

From those three committees, I have some observations that I think I would like the Members of the Senate to be

aware of. I am going to do two things in my presentation. First, I will outline the common threads that have run through all three of those investigations. They give us a pattern of how the Clinton administration reacts to scandal; and, second, I will, in response to the letter I have sent to the Attorney General, focus on the one specific situation that remains unresolved that in my opinion is the most important situation in this whole circumstance.

So let us go to my first task, the identification of the common threads. At the end of Whitewater I, I went back to the office and dictated a memo to myself for historical purposes to help me remember what I had learned out of that situation. I have gone back and reread that memo and share with you now the things I wrote down.

I came to the conclusion that the low-level people who testified before us—that is, people who are fairly far down in the bureaucracy—have good memories, gave us direct answers, and tell the truth as they see it. I found that pattern across the board. On the other hand, the higher level officials had bad memories, gave us evasive answers, and did their best, in my opinion, to shave the truth. As I say, I saw this pattern in the very first Whitewater committee. I saw it repeated again and again through all three experiences.

Let me give you some examples. In Whitewater I, the Resolution Trust Corporation employees, who were involved with investigating this matter, who first noticed the criminal referrals relating to President Clinton's—then Governor Clinton's—business partners, all had good memories, gave us direct answers and told us the truth.

But when we got to a higher level, we found a Treasury Department official who actually tried to convince the committee that he had lied to his own diary. That is, the notes he had taken contemporaneous to the events were wrong and the version he was now giving us before the committee was the correct one.

When we got to the highest level, members of the White House staff, we had the people who could not remember anything.

In Whitewater II, at the lowest level, the Secret Service people, the Park Police, the White House secretaries who worked in the office of the White House general counsel all had clear memories, all told us the truth, all were very direct in their responses.

When we got up to a slightly higher level, reminiscent of the man who lied to his diary, we had a political appointee who could not recognize her own voice when it was played back to her on a tape recording of a conversation she herself had had, saying, "I'm not sure that's me."

When we got to the highest level, White House intimates, we had a White House official who said she could not remember being in the White House even though the Secret Service showed

she had been there and had been in the family residence portion of the White House for 2 hours on that particular day, and she had no recollection whatsoever of the incident. She did recall making calls of condolence to people with respect to Vince Foster's suicide, but she could not recall any conversations about any other subject during that time period.

Now, when we get to the Thompson committee, at the lowest level, we had briefers from the CIA, we had secretaries at the Department of Commerce, we had a bookkeeper from the Lippo Bank, all of whom had very clear memories—direct answers, believable.

Then we got up to the DNC staffer, he constantly had to have his deposition read back to him when he was in front of the television cameras to remind him that his version now was not the same as his version previously.

When we got to the highest level, the Deputy Chief of Staff to the President of the United States, he said he "could not recall" 299 times—one time short of a perfect bowling score.

So, I came to my first conclusion: If you want to know what happened, talk to the people at the lower level, talk to the people whose jobs are not dependent upon White House patronage.

The second common theme comes not from a detailed memo to myself but from an editorial that appeared in the New York Times. This editorial appeared January 22nd of this year. It was not talking about the three investigations that I have described, but it does analyze, better than anything I have seen, the patterns of this administration. It says, quoting from the New York Times:

This Administration repeatedly forces its supporters to choose between loyalty and respect for the law. Those are Clinton . . . themes established long before the charges that Mr. Clinton had a sexual relationship with a White House intern. . . . In such circumstances in the past, the White House has relied on two principal weapons, stonewalling and attacking. . . .

I would like to take it through the same pattern as the first theme I discovered.

Let us go back to Whitewater I. Admittedly, there was a relatively small amount of stonewalling in Whitewater I. It was mainly memory loss. But there were attacks, attacks on the RTC employees, attacks on their veracity, attacks on their integrity, attacks on the way they did their jobs.

We really saw this pattern in stonewalling and attacking when we got to Whitewater II. Stonewall the subpoena. Insist that you cannot find the notes. Say that that is attorney-client privilege. Then we saw something new that entered in here which I call the "incompetence defense." Constantly we were told the reason they could not produce the information we wanted is that "a Secretary had misread the subpoena. . . . We didn't know that's what you wanted. . . . That was in the wrong file. . . . We looked in the wrong place. . . . We don't know where